

April 1, 2019

West Des Moines City Council Proceedings
Monday, April 1, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 1, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Sandager, and K. Trevillyan. Council members J. Mickelson and R. Trimble participated via telephone.

City Clerk Ryan Jacobson stated staff is recommending one amendment to the agenda, as Public Hearing Item 6(c) Stark Drive Vacation will be continued to the April 15th meeting at the request of the applicant.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan approve the agenda as amended.

Vote 19-151: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum

Jeff Madison, 318 South 19th Street, expressed concerns about issues with the apartment complex adjacent to his property, including flooding issues and damage to his fence by their lawnmower.

Mayor Gaer requested that staff work with Mr. Madison and try to help get his issues resolved.

On Item 3. Council/Manager/Other Entities Reports:

Fire Chief Craig Leu introduced Firefighters Benjamin Truetken, Scott Sweetalla, Matthew Kingsley, Kyle Mikulich, and Wesley Bier, who were then sworn in by Mayor Gaer.

Police Chief Chris Scott reported the Police Department's previous dog retired, and Polk County is awarding funding so the department can acquire and train a new dog.

Polk County Supervisor Angela Connolly presented a check to the West Des Moines Police Department for \$10,000, and she thanked the department for their service to the community.

Council member Mickelson noted there have been a couple recent injuries with the City's public safety personnel, and he expressed appreciation to those staff for the work they do.

Council member Hardman expressed appreciation to the Development Services department for their efforts in drafting an ordinance regulating eating places and drinking establishments, which was discussed at this morning's meeting of the Development and Planning Subcommittee.

April 1, 2019

City Manager Tom Hadden requested that staff provide an update on the City Hall Renovations project.

Brian Hemesath, City Engineer, reported there have been delays during the first phase of the project, due to long lead times for HVAC equipment and electrical issues that were discovered after the work was started. He stated the project is approximately three months behind schedule, and the substantial completion date is now March 2020.

On Item 4. Consent Agenda.

It was moved by Sandager, second by Hardman to approve the consent agenda as presented.

- a. Approval of Minutes of March 18, 2019 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. BDA3sons, LLC d/b/a 3 Sons Sports Bar & Grill, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - New
 - 2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 4. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - April 10-11, 2019
 - 7. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 8. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
 - 9. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68th Street, #105 - Class LC Liquor License with Sunday Sales - Renewal
 - 10. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Acknowledgment/Settlement Agreement - First Violation of Tobacco Laws
- e. Approval of Additional Repair of Items on 2010 Ladder Truck
- f. Approval of Change Order #6 and #7 - City Hall Interior Renovations
- g. Approval of Amendment to Extend the Term of Temporary Easement - 62nd and Railroad Gate Structure Repairs

April 1, 2019

- h. Establish Public Hearings:
 - 1. Issuance of Not to Exceed \$6,000,000 General Obligation Urban Renewal Bonds, Series 2019B
 - 2. Issuance of Not to Exceed \$9,500,000 General Obligation Urban Renewal Bonds, Series 2019C
 - 3. Issuance of Not to Exceed \$6,270,000 General Obligation Urban Renewal Bonds, Series 2019D
 - 4. Issuance of Not to Exceed \$2,150,000 General Obligation Urban Renewal Bonds, Series 2019E
- i. Order Construction:
 - 1. Cedar Ridge Sewer Extension
 - 2. South 33rd Street and Fuller Road Retaining Wall Improvements
 - 3. Public Safety Station #21 Generator Replacement
 - 4. Whisper Point Park Improvements
- j. Approval to Initiate Development Agreement - Iowa Clinic West Lakes I, LLC
- k. Approval and Acceptance of Purchase Agreements and Property Interests:
 - 1. Ashworth Road Reconstruction, I-80 Bridge to 98th Street
 - 2. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
 - 3. Project Osmium Public Infrastructure (SW 60th Street, Veterans Parkway south)
 - 4. South 33rd Street and Fuller Road Retaining Wall Improvements
 - 5. South 88th Street and Mills Civic Parkway Reconstruction
 - 6. Cedar Ridge Sewer Extension
- l. Approval of Settlement - Steven Morrell
- m. Approval of Settlement Agreement and Mutual Release - William B. Chase Trust

Vote 19-152: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) - Update Regulations Pertaining to Building Setback and Separation Requirements and Bulk Density Regulations, initiated by the City of West Des Moines (Continued from February 4, 2019 and March 4, 2019)

Mayor Gaer noted the section of the ordinance regarding architectural standards was removed and will come forward separately after receiving input from developers.

It was moved by Hardman, second by Trevillyan to consider the first reading of the ordinance.

April 1, 2019

Council member Trimble requested clarification that the proposed ordinance would allow footprints lots in single family residential zoning districts.

Linda Schemmel, Development Coordinator, responded yes the proposed ordinance does include that amendment to the zoning code.

Vote 19-153: Hardman, Mickelson, Sandager, Trevillyan ... 4 yes
Trimble ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hardman, second by Trevillyan to approve the first reading of the ordinance.

Vote 19-154: Hardman, Mickelson, Sandager, Trevillyan ... 4 yes
Trimble ... 1 no

Motion carried.

On Item 5(b) 1525 Grand Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 19-155: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 19-156: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-157: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) 8300 Mills Civic Parkway Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

April 1, 2019

Vote 19-158: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 19-159: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-160: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Modify Garage Requirements and Establish a Waiver Process for Single-Family Detached Dwellings, initiated by the City of West Des Moines (Continued from March 18, 2019). He asked for the date the notice was published and the City Clerk indicated the notice was published on March 1, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments.

Lance Henning, Executive Director of the Greater Des Moines Habitat for Humanity, spoke in favor of the proposed ordinance, stating he appreciates the inclusion of a waiver for the garage requirement and how the ordinance will help address housing affordability.

Council member Trevillyan stated he received a text message from Renae Johanningmeier, 612 Walnut Street, who could not be here tonight but wanted to express the following comments as part of the public hearing:

Ms. Johanningmeier expressed her preference to remove the ordinance requiring garages altogether. She doesn't understand why the waiver would be available only to people who are low income, when the small lot sizes in Valley Junction should also be considered enough of a hardship to warrant the waiver regardless of income. She noted Valley Junction doesn't always fit the norm.

April 1, 2019

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

Lynne Twedt, Development Services Director, responded to questions from the Mayor and Council, stating a property owner could request a variance from the garage requirement based on the hardship of a small lot size, but there is no guarantee the variance would be approved. She noted staff will further review zoning ordinance impacts to Valley Junction and may recommend further changes to accommodate the small lot sizes. She stated staff is requesting guidance from the City Council on what length of time the deed restriction should be.

Mayor Gaer directed staff to add the deed restriction question to an upcoming agenda of the Development and Planning Subcommittee.

It was moved by Trimble, second by Hardman to consider the first reading of the ordinance.

Council member Trevillyan stated he will vote no on this proposed ordinance, but it is not because he supports the current ordinance regarding garage requirements. He does not agree with the waiver being limited to low income only. He also noted there would be contradictions in the City Code because the nuisance code would allow the City to tear down a dilapidated garage, but in that case the property owner would not be required to construct a new garage.

Mayor Gaer requested that staff look into Council member Trevillyan's concerns regarding potential inconsistencies in the City Code.

Council member Hardman requested that staff ensures the waiver process does not inadvertently create artificial stigmas around the term "low to moderate income".

Council member Trevillyan expressed concerns that if the owner of a property with no garage would improve their home and increase its value by 50 percent, it would then trigger the garage requirement.

Ms. Twedt clarified the proposed ordinance would remove that provision.

Council member Trevillyan expressed concerns that a garage would still be required with the construction of a new home on a vacant lot, and he expressed his preference that the garage requirement should be removed from the City Code altogether.

Council member Trimble stated he believes the proposed ordinance is a good balance between aesthetics and housing affordability.

Vote 19-161: Hardman, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

April 1, 2019

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the first reading of the ordinance.

Vote 19-162: Hardman, Mickelson, Sandager, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 2A (Installation and Operation of Small Cell Broadband Infrastructure) - Establish Fee Requirements and Modify Regulations Pertaining to Aesthetics of Broadband Infrastructure, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 26, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Hardman to consider the first reading of the ordinance.

Vote 19-163: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the first reading of the ordinance.

Vote 19-164: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman, in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings of the ordinance.

Vote 19-165: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to adopt the ordinance in final form.

Vote 19-166: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

April 1, 2019

On Item 6(c) Stark Drive Vacation - Vacation of approx. 145 feet of Stark Drive west of the intersection with South 100th Street, initiated by Kings Grove, LLC (Continued from March 18, 2019)

Mayor Gaer stated public hearing item 6(c) is being continued to the April 15, 2019 meeting at the request of the applicant.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Sugar Creek Estates, generally located at the northeast corner of 100th Street and Stagecoach Drive - Designate Residential Medium Density Zoning on approx. 24.01 acres, initiated by Sugar Creek Estates, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 15, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hardman to consider the first reading of the ordinance.

Vote 19-167: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hardman to approve the first reading of the ordinance.

Vote 19-168: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider South 88th Street and Mills Civic Parkway Reconstruction, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 22, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Hardman, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McAninch Corporation.

April 1, 2019

Council member Trevillyan expressed concerns about the add alternate for a joint utility trench, as the City had previously constructed a joint utility trench along Railroad Avenue, but no entities outside the City are utilizing it.

Jamie Letzring, Deputy City Manager, responded staff has held many meetings with local utility providers, and those providers have provided input in the conduit design for this proposed joint utility trench. She noted the providers will have an incentive to locate their fiber in the City's conduit bank because the costs would be lower than if they were to obtain their own easements and set up their own infrastructure.

Mayor Gaer inquired how staff plans to fund the fiber enterprise fund.

Ms. Letzring responded it will likely initially be funded through an interfund loan and also through the sale of taxable bonds.

Vote 19-169: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2019 PCC Patching and Medians Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 22, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Contracting Company.

Vote 19-170: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 2018 Channel Repair Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 22, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

April 1, 2019

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vanderpool Construction.

Vote 19-171: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Microsoft DSM09-10, southwest corner of the future extension of Veterans Parkway and Interstate 35 - Approval of a Site Plan for Construction of Two 200,000 sq. ft. Data Center Buildings and a MidAmerican Energy Substation, initiated by Microsoft Corporation

It was moved by Trevillyan, second by Hardman to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 19-172: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters

Jamie Letzring, Deputy City Manager, reported on the following bills:

- HSB 165 regarding property tax reform: An amendment was proposed in the House that could go to subcommittee at any time, but there is still no companion bill in the Senate.
- SSB 1244 regarding stormwater connection fee districts: There is still no companion bill in the House. Staff will meet with the Homebuilders of Iowa to discuss this bill.

The meeting was adjourned at 6:37 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor